

United States District Court
NORTHERN DISTRICT OF CALIFORNIA

E-filing

PrivaSys, Inc.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

v.

American Express Company; American Express
Travel Related Services Company, Inc.

CV 08

WDB
1072

TO: (Name and address of defendant)

American Express Company
c/o CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

American Express Travel Related Services Company, Inc.
c/o CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Spencer Hosie
Hosie McArthur LLP
One Market, Spear Tower, 22nd Floor
San Francisco, CA 94105

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE FEB 22 2008

Helen L. Almacen

BY DEPUTY CLERK

Spencer Hosie
Hosie McArthur LLP
One Market, Spear Tower, 22nd Floor
San Francisco, CA 94105

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PrivaSys, Inc.

Plaintiff(s)

v.

American Express Company; American Express

Defendant(s)

CASE NUMBER:

CV 08 1072 WDB

**PROOF OF SERVICE
SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify) documents):

- a. ☐ summons ☐ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint

☒ other (specify): SEE ATTACHMENT A

2. Person served:

- a. ☒ Defendant (name): AMERICAN EXPRESS COMPANY
b. ☒ Other (specify name and title or relationship to the party/business named):
Juan Pablo, Process Specialist Authorized to Accept.
c. ☒ Address where papers were served: C.T. Corporation System: 818 W. 7TH Street, Los Angeles CA 90017

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☒ Federal Rules of Civil Procedure
b. ☐ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☒ By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.

1. ☒ Papers were served on (date): April 01, 2008 at (time): 11:22 A.M.

- b. ☐ By Substituted service. By leaving copies:

1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. ☐ (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.

3. ☐ Papers were served on (date): _____ at (time): _____

4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).

5. ☐ papers were mailed on (date): _____

6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☒ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): _____ at (time): _____
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (*name, address and telephone number*):

MINH TRAN
WESTERN ATTORNEY SERVICES
75 COLUMBIA SQUARE
SAN FRANCISCO, CA 94103
415-487-4140

- a. Fee for service: \$ 87.91
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 02, 2008


(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTACHMENT A

SUMMONS IN A CIVIL CASE
CIVIL COVER SHEET
ORIGINAL COMPLAINT AND DEMAND FOR JURY TRIAL
ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE
AND ADR DEADLINE
STANDING ORDER U.S. MAGISTRATE JUDGE WAYNE D. BRAZIL
ECF REGISTRATION INFORMATION HANDOUT
NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES
MAGISTRATE JUDGE FOR TRIAL
CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE
JUDGE
DECLARATION TO PROCEED BEFORE A MAGISTRATE JUDGE
AND REQUEST FOR REASSIGNMENT TO A UNITED STATES
DISTRICT JUDGE
CERTIFICATION OF INTERESTED ENTITIES OR PERSONS